



Earlier chat re the AE process and approval timelines

Salera, Jerry@DOC

to:

George Robin

11/28/2012 01:53 PM

Cc:

David Albright, Michele Dermer, "Kustic, Tim@DOC", "Habel, Rob@DOC", "Wermiel, Dan@DOC", "Ellison, Burt@DOC"

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1 Attachment



Discussions with GRobin 112812 Aquifer Exemption Process.docx

George,

Thank you very much for taking the time to call me even during your sick-day to discuss this issue. We would like to respond to queries from our operators regarding the basic steps in the AE process and the expected timelines involved. I've prepared in the attachment above a summary of our discussion on the AE process and the timelines involved. I've also copied this below so you don't have to open the word attachment.

Kindly comment on this summary and please make the necessary corrections if needed. I'd like to be able to get a summary out on our website regarding this AE process.

I also inquired regarding Major Aquifer exemptions and the likelihood of them getting approved over in EPA HQ – Washington, DC. You said that for WD projects, the likelihood is zero. However, for EOR projects, if the criteria is clearly met (e.g., hydrocarbon producing aquifer), the likelihood for approval is very good. The process is however more tedious and time-consuming. You will follow-up with your folks in Region 9 a clearer timeline for such a Major Aquifer exemption process.

Many thanks again.

Jerry

#### Aquifer Exemption Process Summary

1. Operator submits AE application to the Division. The application should be well documented with the necessary data and should meet the required criteria for aquifer exemption.

2. The Division will review the application and ensure that it is a sound application, well documented and meets the criteria for aquifer exemption. The Division will also provide an “informal” copy of the application to the EPA Region 9 office so that EPA can propose improvements and/or revisions to the application document. Also, any additional data that may be needed for EPA to review the application can be requested from the operator early in the process

It is also recommended that any confidential data issues in the application document be discussed with the operator in coordination with the EPA at this point.

3. The Division will initiate the Agency notification (RWQCB) and Public Comment period. A 30-day public comment period is required by the EPA. [Note: the MOA provides for a minimum 15-day public comment period].

All issues raised by the RWQCB and the public should be addressed and resolved. Documentation of the issues and their resolution should be included in the AE application.

4. The Division will finalize the AE exemption application and formally submit to the EPA Region 9 office.

5. **TIMELINE**

- a. Minor Aquifer Exemption applications - the EPA must approve or deny the application within 45 days from receipt of the application. If the EPA does not approve or deny within this period, the application is deemed approved.

- b. Major Aquifer Exemption applications - ? EPA to give feedback.